

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DUDLEY HARRIS,

Plaintiff,

vs

9:08-CV-271

FISCHER, Commissioner; SUPT. CORCORAN;  
MAHER, Deputy Supt. of Sec.; MR. ROCKER,  
Captain; LT. MAUHIR; LT. SIGNOR; EMERSON,  
Sergeant; K. STEVENSON, F.O.I.L. Officer; A.  
COSTILLO, Senior Mail Clerk; MR. BUTLER,  
CORP, MR. PETERS, DeNOTO, MR. MOORE,  
LUZIANI, SAVILLE, and MR. BROWN, Each  
Correctional Officers; R. CHAPIN, Captain,  
SGT. APPLEBY, T. NAPOLI, Grievance  
Supervisor, B. RAWLEIGH, Facility Maintenance,  
DAVID BABIARZ, Facility Parole Officer,  
HOLLENBECK, Correctional Counselor,  
JOHN BLAKE, Correctional Officer, Each of  
Cayuga Correctional Facility; JAMES LoveLACE,  
Senior Investigator; C. RAMSAY, Correctional  
Officer, Cayuga Correctional Facility; and NYS  
DEPT OF CORRECTIONAL SERVICES,

Defendants.

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APPEARANCES:

OF COUNSEL:

DUDLEY HARRIS  
Plaintiff, Pro Se  
99-B-1293  
Cayuga Correctional Facility  
PO Box 1186  
Moravia, New York 13118

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Defendants  
Department of Law  
The Capitol  
Albany, NY 12224

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff, Dudley Harris, brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated April 15, 2008, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that the complaint be dismissed pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e)(2)(B)(ii); that prior to dismissal of plaintiff's complaint, plaintiff be provided an opportunity to cure the deficiencies of his pleading by filing an amended complaint that complies with the instructions within the Report-Recommendation; and that in the event plaintiff does not file a proper amended complaint, that the action be dismissed. The plaintiff has not filed any objections to the Report-Recommendation; however, he did file an amended complaint on April 29, 2008.

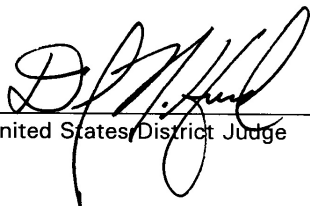
Based upon a careful review of the entire file and the recommendations of Magistrate Judge Treece, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that the plaintiff's amended complaint (Docket No. 8) is referred to the Magistrate Judge for review and determination of compliance as directed in the Report-Recommendation.

IT IS SO ORDERED.

Dated: June 3 2008  
Utica, New York.

  
United States District Judge